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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 David Robert Thomson,

15 Petitioner,

16 v.

17 Brian Williams, *et al.*,

18 Respondents.

Case No. 2:17-cv-02932-RFB-GWF

**Unopposed Motion for Extension
of Time to File Second Amended
Petition**

(First Request)

19 Petitioner David Thomson moves this Court for an enlargement of time of 90
20 days, up to and including Friday, January 25, 2019, to file the Second Amended
21 Petition for Writ of Habeas Corpus. Respondent does not oppose this request.
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1 1. On June 1, 2018, the Federal Public Defender Office was appointed to
2 represent Thomson in the above-entitled action of to “indicate to the [C]ourt its
3 inability to represent [P]etitioner in these proceedings.”¹ On July 2, 2018,
4 undersigned counsel filed his Notice of Appearance.²

5 2. On July 23, 2018, Thomson filed his First Amended Petition for Writ of
6 Habeas Corpus with exhibits, a Motion to Seal, and a Motion to File a Second
7 Amended Petition for Writ of Habeas Corpus.³ In his Motion to File a Second
8 Amended Petition, Thomson informed this Court that he had calculated his AEDPA
9 deadline to expire on or about July 28, 2018, and that he was filing the First
10 Amended Petition to preserve issues.⁴ As a result, Thomson requested this Court
11 authorize the filing of a Second Amended Petition.⁵

12 3. The parties then litigated the propriety of filing a Second Amended
13 Petition.⁶ On August 28, 2018, this Court granted the Motion to File a Second
14 Amended Petition.⁷ This Court then ordered Thomson to file the Second Amended
15 Petition on or about October 27, 2018.⁸

16 4. Since counsel’s appointment, and the filing of Thomson’s First
17 Amended Petition, counsel’s office has been in the process of ordering, gathering,
18 and organizing the state court record, including all discovery and prior counsel’s
19 files in Thomson’s case; and having all the aforementioned documents electronically
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21 ¹ ECF no.5.

22 ² ECF no.6.

23 ³ ECF nos.7-13.

24 ⁴ ECF no.13; *see also* ECF no.7 at 8.

25 ⁵ ECF no.13.

26 ⁶ ECF nos.15-16.

27 ⁷ ECF no.17.

⁸ *Id.* at 2.

1 imaged in accordance with the case management and handling procedures set in
2 place by the non-capital habeas unit.

3 5. Additionally, counsel is still in the process of reviewing Thomson's file
4 and will need time to adequately research and draft a truly counseled petition.

5 6. Counsel has discussed this matter with Deputy Attorney General
6 Natasha Gebrael. Ms. Gebrael has no objection to the request for an extension of
7 time, with the caveat that nothing about the decision not to oppose Petitioner's
8 extension request signifies an implied finding of a basis for tolling any applicable
9 period of limitations or the waiver of any other procedural defense. Petitioner at all
10 times remains responsible for calculating any limitations periods and understands
11 that, in granting an extension request, the Court makes no finding or
12 representation that the petition, any amendments thereto, and/or any claims
13 contained therein are not subject to dismissal as untimely.

14 7. This motion is not filed for the purpose of delay, but in the interests of
15 justice, as well as in the interests of Thomson. Counsel respectfully requests that
16 this Court grant the request for an extension of time to file the amended petition on
17 or before January 25, 2019.

18 Dated this 26th day of October, 2018.

19 Respectfully submitted,

20 Rene L. Valladares
21 Federal Public Defender

22 IT IS SO ORDERED:

23 /s/T. Kenneth Lee
24 T. Kenneth Lee
25 Assistant Federal Public Defender

26 
27 RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 29th day of October, 2018.

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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Natasha Gebrael.

David Robert Thomson
#1080243
High Desert State Prison
PO Box 650
Indian Springs, NV 89070

An Employee of the Federal Public Defender